

REMARKS

The indication that claims 15, 17, 20-21, 23, and 25-27 include patentable subject matter is acknowledged with thanks. In reliance thereon, claims 15 and 17 have been amended into independent form by adding the subject matter of claim 7 thereto. Allowance of amended claims 15 and 17 is respectfully requested because these claims include subject matter indicated to be allowable.

The Official Action did not find the comments regarding claims 26 and 27 persuasive. The MPEP states that the reference characters in these claims are permitted, which is not disputed in the Official Action. Applicant did not argue that the use of the reference characters has an effect on the scope of the claim, as is implied in the Official Action.

Claims 1, 5, 7, 10-12, 14, and 28-29 were rejected as unpatentable over WANG et al. 6,266,365 in view of KLANG et al. 6,330,271. Reconsideration and withdrawal of the rejection are respectfully requested as claims 1 and 7 have been canceled. Claims 2 and 8 have been amended into independent form and the dependencies of the remaining claims amended into conformance.

Claims 3 and 4 were rejected as unpatentable over WANG et al. in view of KLANG et al. and KAKU et al. 5,548,613. Reconsideration and withdrawal of the rejection are respectfully requested for the reasons set forth below. It is also noted that

this rejection of claim 4 is improper as claim 4 depends from claim 2, which was not rejected on this basis.

Claims 2, 6, 8-9, and 13 were rejected as unpatentable over WANG et al. in view of KLANG et al. and SCHMIDL 6,816,541. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2 and 8 provide, among other features, the finger circuit on which the maximum weighting is placed is selected based on the weighting information afforded to an output of the finger circuit.

The Official Action acknowledges that the combination of WANG et al. and KLANG et al. does not disclose this feature, and relies on SCHMIDL for the suggestion to modify the combination to include this feature.

However, KLANG et al. discloses (column 5, lines 30-57) that the tracking device selection controller 50 sequentially connects the ELG device to the rake branches (fingers) one-by-one at a predefined or adaptively set selection rate. In other words, in contrast to what is claimed in amended claims 2 and 8, KLANG et al. disclose that the finger circuit is selected based on its sequence in the device.

The Official Action attempts to make up for this shortcoming by relying on SCHMIDL. This reference does not disclose selecting a finger circuit on any basis. The reference discloses (column 1, lines 56-64) that in a receiver where each

finger has its own tracking loop, the results from the finger circuits are combined to improve signal-to-noise ratio in a method in which the individual detected signals are synchronized and weighted according to their signal strengths. There is nothing here that suggests selecting a finger circuit based on the weighting information afforded to an output of the finger circuit. One of skill in the art might combine the results to improve signal-to-noise ratio by synchronizing and weighting the individual detected signals according to their signal strengths, but the artisan would not learn from this reference to select a particular finger circuit based on the weighted information.

Indeed, the very notion that a selection of a finger circuit is to be based on any factor is at odds with the suggestion in KLANG et al. to make the selection sequentially. In order to replace the sequential selection in KLANG et al. with the selection in amended claims 2 and 8, the Official Action would have the artisan ignore the sequential method in KLANG et al. and pick and choose from among features disclosed in SCHMIDL. Such picking and choosing is impermissible and not a proper basis for a rejection under §103.

Accordingly, amended claims 2 and 8, and the claims dependent therefrom, avoid this rejection under §103 and their allowance is respectfully requested.

Claims 16, 18-19, 22, and 24 were rejected as unpatentable over WANG et al. in view of KLANG et al. and NARUSE

6, 075,809. Reconsideration and withdrawal of this rejection is respectfully requested as these claims now include the subject matter of claims 2 and 8, which is allowable for the reasons given above.

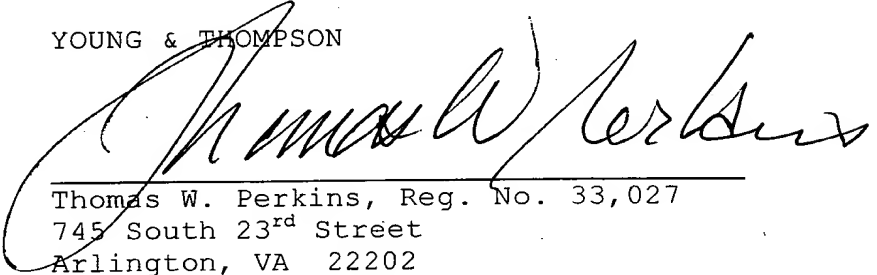
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the fee of \$200 for the extra independent claim added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Thomas W. Perkins, Reg. No. 33,027  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

TWP/lk